

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

-----X
In re:

Fernando Saillant,

Debtor(s).
-----X

Chapter 13

Case No. 19-41807-CEC

ORDER TO SHOW CAUSE WHY DEBTOR'S COUNSEL SHOULD NOT BE
SANCTIONED FOR FAILURE TO PROVIDE ADEQUATE REPRESENTATION
TO THE DEBTOR

WHEREAS, on March 28, 2019, Fernando Saillant (the "Debtor") filed a voluntary petition for relief under Chapter 13 of the Bankruptcy Code; and

WHEREAS, the Debtor is represented by Frances Newman Ruiz, Esq. of Ruiz Law Group PC Esq. ("Debtor's Counsel"); and

WHEREAS, the Disclosure of Compensation of Attorney for Debtor pursuant to 11 U.S.C. § 329 and Bankruptcy Rule 2016(b) (Official Form 2030) states that the Debtor's Counsel received no compensation in connection with this bankruptcy case;

WHEREAS, on May 16, 2019, the Chapter 13 Trustee filed a motion (the "Trustee's Motion") to dismiss the above-captioned case for, among other things, the failure to provide mandatory disclosures and to appear at the initial 341 meeting of creditors; and

WHEREAS, on June 20, 2019, a hearing on the Trustee's Motion was held, at which the Debtor appeared, but there was no appearance by Debtor's Counsel; and

WHEREAS, the Debtor stated on the record that he paid the Debtor's Counsel \$7,000 in connection with this case; and

WHEREAS, on July 1, 2019, the Court issued an order dismissing the case and retaining jurisdiction to determine the imposition of sanctions against Debtor's Counsel;

WHEREAS, the Debtor has six prior bankruptcy cases, all of which were dismissed (Case Number(s): 00-13723-lts; Dismissed 08/21/00; 01-10169-cec; Dismissed 07/20/01; 01-22714-cec; Dismissed 02/21/02; 02-13723-cec; Dismissed 08/12/02; 17-40310-cec; Dismissed 07/12/17; 18-45207-cec; Dismissed 01/07/19); and

WHEREAS, the Debtor's Counsel represented the Debtor in Case No. 18-45207-CEC (the "2018 Case"); and

WHEREAS, in the 2018 Case, on December 27, 2018, the Court issued an order granting 510 Marion St. LLC in rem relief from the stay pursuant to 11 U.S.C. § 362(d)(4) with respect to property located at 510 Marion Street, Brooklyn, NY 11233 [Block 1522, Lot 38];

NOW, THEREFORE, IT IS

ORDERED, that the Debtor's Counsel shall appear on July 16, 2019 at 1:00 p.m. (the "Hearing") in Courtroom 3529 at the United States Bankruptcy Court for the Eastern District of New York, 271-C Cadman Plaza East, Brooklyn, NY 11201, and show cause why the Debtor's Counsel should not be sanctioned pursuant to 11 U.S.C. § 105(a) and Bankruptcy Rule 2017 for failure to provide adequate representation to the Debtor, and why the Court should not order the return of fees paid in connection with this case; and it is further

ORDERED, that failure to comply with this order shall be additional grounds for sanctions.

**Dated: Brooklyn, New York
July 11, 2019**





Carla E. Craig
United States Bankruptcy Judge